

103 CMR 483: DEPARTMENT OF CORRECTION

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103 CMR 483.00: VISITING PROCEDURE

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483.01 Purpose

The purpose of 103 CMR 483.00 is to establish rules and regulations governing visitation at state correctional institutions, which reflect both the importance of maintaining contact with family and the community, as well as and the need for security and order in administering a visitation program. The Massachusetts Department of Correction ("Department or DOC") staff shall treat visitors with All visitors will be treated with dignity and respect while maintaining proper security. The Massachusetts Department of Correction Department recognizes the importance of on-going visitation between inmates and their family members, especially children, to help promote successful community re-entry of our inmate population. The Department of Correction welcomes and encourages families to visit on a regular basis. The Department shall make Every effort will be made by the Department of Correction to ensure that visits are conducted in a safe and respectful atmosphere. 103 CMR

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483.00 is not intended to confer any private right of action or any procedural or substantive rights not otherwise granted by state or federal law.

### 483.02 Statutory Authorization

~~103 CMR 483.00 is promulgated pursuant to M.G.L., c. 124, §§1 (b), (c), (q), M.G.L. c. 268, § 31 and M.G.L. c. 127, §§ 36 and 37. 103 CMR 483.00 is not intended to confer any private right of action or any procedural or substantive rights not otherwise granted by state or federal law.~~

### 483.032 Cancellation

103 CMR 483.00 cancels all previous ~~Departmental~~ policy statements, bulletins, directives, orders, notices, rules or regulations regarding ~~visiting~~visitation, to the extent they are inconsistent with 103 CMR 483.00, except that they do not cancel 103 CMR 486, ~~.00: Attorney Access Regulations~~At Massachusetts Correctional Institutions, 103 CMR 131.00, ~~÷ Media Access Regulations~~News Media Relations, 103 CMR 485.00, ~~÷ Volunteers And Volunteer Programs Regulations~~, or 103 CMR 421.00, Department Segregation Units.

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### 483.043 Applicability

103 CMR 483.00 is applicable to all employees, visitors and inmates at all state correctional institutions, ~~excluding the Massachusetts Alcohol and Substance Abuse Center (MASAC)\*.~~ These regulations shall apply to all visits, including those by ~~law students, paralegals, clergy, Pprivate Investigators and~~ tour groups, and to special events at correctional institutions, in which outsiders are allowed to participate, except where Department regulations specifically provide otherwise. ~~\*Special visits at MASAC shall be determined by the Superintendent.~~

### 483.054 Access to 103 CMR 483.00

The Department shall maintain 103 CMR 483.00 ~~shall be maintained~~ within the Central Policy File ~~of the Department~~ and it will~~shall~~ be accessible to all Department employees. Each Superintendent shall maintain a ~~A~~ copy of 103 CMR

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~~483.00 shall also be maintained in his/her institution's each Superintendent's Central Policy File and at in each inmate library.~~

### ~~483.06~~483.05. Definitions

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Assistant Deputy Commissioner: A senior level manager who reports to the Deputy Commissioner of the Prison Services Division, and is responsible for ensuring policy compliance and standardization of procedures, for institutions facilities under his/her supervision ~~(divided by northern and southern sectors)~~, in such areas as staff development, labor management, disorder management, and overall operations.

Child - For the purposes of this regulation only, aAny person under the age of eighteen (18) years of age requiring a minor consent form to gain entrance into the institution. All persons meeting this criterion shall fall under all provisions of this policy.

Commissioner - The Commissioner of Correction.

Director of Security: The individual responsible for the overall security within a correctional institution through formulation and enforcement of rules and regulations and by overseeing the performance of security staff.

Dress Code for Inmates on Visit - Clothing worn by the inmate while the inmate is on a visit. Each Superintendent shall describe the dress code for visits in the inmate rules and regulations handbook.

General Counsel: The executive staff person who reports to the

Commissioner, and is the chief legal counsel for the agency. ~~overseeing the attorneys in the DOC's Legal Division. The Department's attorneys represent Department employees in state and federal court actions and before administrative tribunals in the areas of labor and employment, worker's compensation, inmate discipline, civil rights, medical and mental health, sentencing, environmental law, torts and civil commitment petitions. Responsibilities also include the provision of legal opinions, the drafting and review of legislation, regulations, policies, and contracts, and the issuance of legal advice on a variety of matters.~~

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Holiday - Those legal holidays set forth in M.G.L. c. 4, § 7: January first (New Years Day), July fourth (Independence Day), November eleventh (Veterans Day), and December twenty fifth (Christmas Day), or the day following when any of said days occurs on Sunday, and the third Monday in January (Martin Luther King Day), the third Monday in February (Presidents' Day), the third Monday in April (Patriot's Day), the last Monday in May (Memorial Day), the first Monday in September (Labor Day), the second Monday in October (Columbus Day), and the fourth Thursday in November (Thanksgiving Day). With respect to Suffolk County only, March seventeenth (Evacuation Day) and June seventeenth (Bunker Hill Day), or the day following when said days occur on Sunday. New Year's Day, Martin Luther King Day, Presidents Day, Patriots Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day.

Immediate Family - Mother, father, husband, wifespouse, children, grandchildren, brother, sister, grandmother, grandfather, half-siblings, son-in-law, daughter-in-law, sister-in-law, brother-in-law, mother-in-law, father-in-law, mother or father of an inmate's child if documented by a birth certificate and if they currently have legal custody of the child. A Sstep-parents-are is considered within this definition when it has been verified that the inmate was reared by this individual. Step-children may also be considered immediate family if the offender-inmate and his/her spouse were married prior to the current incarceration and the spouse's children were minors who resided in the home, shared by the inmate and spouse, on a regular basis at the time of incarceration.

Personal Search -A clothed search of an individual limited to the pressing of palms of the hand against the outer surface of an individual's clothing, and examination of all pockets, shoes, caps and hairpieces. It does not include the removal of any of the person's clothing except removable outer garments (e.g., eardigan-sweaters, blazers, suit jackets, coats and sweatshirts)Personal Search - A search of an individual's person to include a body frisk and examination of all pockets. Shoes, removable outer garments (cardigan sweaters, blazers, suit jackets), hair pieces and headwear must be removed for examination. It does not include the removal or opening of any of the person's clothing, except of the articles listed above and outer clothing(i.e.,

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Probable Cause - Facts and circumstances which would lead a reasonable and prudent person to believe that:

- (a) A crime has been committed, is being committed, or is about to be committed;
- (b) A particular item or items of ~~seizable~~ physical evidence of that crime presently exists; and
- (c) The item or items are presently in the location to be searched.

Special ~~Housing/Special Management Units~~ Visiting Inmate Populations- Inmates who, due to special conditions of custody, may receive visits in locations other than the general visiting room, or in the general visiting room but only at specified times and/or under specified conditions. Such inmates may include, but are not limited to, ~~An~~ inmates in maximum security, special management units, secure treatment units, residential treatment units, the Intensive Treatment Unit at MCI-Framingham, and protective custody units. ~~area of an institution that is designated for one of the following uses:~~

~~Administrative Segregation, Protective Custody or Disciplinary Detention.~~ This does not include the Intensive Treatment Unit at the Bridgewater State Hospital.

Superintendent - The Chief Administrative Officer of a state correctional institution.

Visiting Area - That area within an institution which is designated for visits between inmates and visitors.

Visiting Area Officer(s) - The ~~o~~ officer(s) assigned to the visiting area to maintain security and supervision.

Visitor (Inmate) - Any person requesting entrance into a correctional institution's visiting room or other approved visiting area for the sole purpose of conducting a social/family visit with an inmate incarcerated within any state correctional institution.

Visitor (Institutional) - Any person requesting entrance into a correctional institution to conduct official business such as, but not limited to, the following: contractors, + vendors, + repairmen, + facility tours, + media, + volunteers, and ~~+~~ ~~and~~ persons wishing to provide

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services to inmates or to examine or report on inmate conditions.

~~Strip Search — A search in which a person removes all clothes. A strip search may include a visual inspection of a person's oral, anal or vaginal cavity. The inspection may require the removal of items such as, but not limited to, dentures and sanitary napkins and may require the visitor to position themselves himself/herself in a manner to facilitate visual inspection of a particular area.~~

483.076 Institution Visiting Rules and Procedures

- (1) Each ~~Se~~Superintendent shall, develop written institutional visiting rules and procedures which, although tailored to the particular institution, and/or to specific populations within that institution, are consistent with 103 CMR 483.00. The institution rules shall be submitted to the appropriate reviewing authority within sixty (60) days of receipt of 103 CMR 483.00. At a minimum, institutional rules shall specify the following aspects of visiting at the institution-:

(a) ~~Facility~~Institution address/phone number, directions to the institution~~facility~~ and information about all local transportation;

(b) Procedures for checking personal effects before entering the visiting area;

(c) Any security precautions that visitors are required to take (~~r~~e.g., locking cars, locking up items in lockers);

(d) A statement that the carrying of guns or other weapons, controlled substances, alcohol, cellphones, electronic devices, or any other article ~~whatsoever~~ into or out of the institution may result in loss of visiting privileges as well as criminal prosecution. In addition to appearing This statement shall appear in the institution's rules and procedures, ~~this statement and~~

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shall be posted on a sign in English and in Spanish, ~~and which shall be~~ conspicuously displayed in the institution lobby or other entrance;

(e) A statement regarding the prohibition of smoking on state property or possession of tobacco and tobacco related products within a correctional ~~facility~~ institution;

(f) Designation of ~~Designate an~~ area where ~~offenders inmates~~ have access to counsel and confidential contact with attorneys and/or ~~their~~ legal representatives professionals, in accordance with 103 CMR 486, Attorney Access At Massachusetts Correctional Institutions; and,

(g) Designation of a ~~Provide an~~ private and separate area away that is private and separate from the visiting area in order to reasonably accommodate a visitor's request to nurse her infant child. Upon conclusion of breast feeding, an appropriate search ~~will shall~~ be conducted in accordance with 103 CMR 483.07(3) es.

- (2) A copy of the institution's visiting rules and procedures shall be made available to any visitor who requests one.

483.07 Department Standards for Institution Rules and Procedures

(1) Each institution shall provide, at a minimum, three (3) visiting periods per week, with at least one (1) period on a weekday evening, and at least one (1) period on the weekend. At least one (1) visiting period shall be provided on any identified holiday. A visiting period is considered ~~one~~ three (3) to four (4) hour block of time.

(2) A maximum of two (2) adults shall be permitted to visit an inmate at the same time during any visiting period. Minimum and Pre-release facilities ~~can make exceptions~~ may allow up to four (4) adults. There shall

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be no limitations on the number of children. However, the number of children any parent/guardian ~~is bringing into the institution~~ must be of a number that can be adequately supervised by ~~this individual~~ the parent/guardian in the institution and a number that can be accommodated by the ~~facilities~~ institution's visiting room (~~i.e.e.g.~~, non-contact visiting area).

- (3) ~~The conduct of the v~~Visitors and inmates ~~while in the visiting room~~ shall adhere to the following conduct guidelines while in the visiting room:- ~~Each superintendent can add to these guidelines if he/she feels the overall security of the facility and visiting area would be improved. Such additions must be approved by the reviewing authority.~~

(a) Excessive familiarity, profanity, offensive behavior, or serious deviation from appropriate standards of behavior in a public place, may result in administrative action, such as verbal warning, termination of a visit, or loss of visiting privileges*;-i*

(b) ~~Any contact that is more than e~~Commonly ~~acceptable~~ accepted as a public displays of affection shall be allowed, which include ~~(one~~ closed mouth kiss/hug upon inception and conclusion ~~will~~shall be allowed). ~~Anything that exceeds this standard, shall~~will receive ~~a~~one notice of discretionary caution*;-i*

~~will~~shall (c) Disruptive behavior of any kind ~~will~~shall not be tolerated*;-i*

(d) No straddling chairs. Furniture is not to be rearranged*;-i*

(e) No sitting with one person's legs crossed over another person's legs*;-i*

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(f) Feet ~~will~~shall remain visible at all times~~;~~;

(g) No lying across or sitting on another's lap.  
Exceptions shall be made for children eight (8) years of age and under, ~~to~~who may be allowed to sit on the ~~accompanying parent/guardian's lap~~;

(h) When sitting, hands shall be in plain sight at all times;  
~~;~~

(i) Inmates and visitors shall not be allowed to put their arms around each other when sitting or standing.  
The only exception ~~will~~shall be once at the inception ~~of the visit~~ (greeting) and once at the conclusion of the visit during departure~~;~~;

(j) Inmates and visitors ~~will~~shall follow the orders of the ~~officers~~ assigned to the visiting room and its related areas~~;~~;  
~~;~~

(k) No article(s), with the exception of food and beverage items as described in (n), shall be passed between visitors and inmates~~;~~;

(l) Inmates and visitors are responsible for cleaning up

and throwing away ~~of their~~ trash, ~~left over vending machine items, if available~~ or wrappers ~~or that have been purchased~~ items during their visit~~;~~;

(m) No cross visiting (visiting an inmate other than the specifically approved inmate) is permitted between inmates and visitors~~;~~;

(n) If available, visitors may purchase a beverage or food item and deliver it to the inmate they are visiting. The visitor and inmate shall not be

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permitted to share any beverage or food item at any time-;

(o) At no time ~~will~~shall visitors and/or inmates be allowed to change ~~their~~seats, unless directed to or given permission ~~to do so~~ by a visiting room staff member-;

(p) Interactions between an inmate and ~~the another~~ visitor of another inmate or between visitors ~~is~~are not allowed-;

~~---~~(q) Possession or use of tobacco or alcohol products is prohibited-;

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(r) Parents or legal guardians ~~will~~shall be responsible for an accompanying~~the~~ child's actions and behavior at all times. Children ~~will~~shall not be allowed to engage in disruptive behavior or to roam the visiting room or lobby unattended. This type of behavior may be grounds for termination of the visit-;

(s) Visitors utilizing the restroom facilities in the visiting room shall receive a personal search prior to entering the restroom and after use of the restroom. Failure to comply shall result in termination of the ~~visit~~ and suspension of visiting privileges upon review by the Superintendent.

~~Each superintendent may add to these guidelines if he/she feels the overall security of the institution and visiting area would be improved. The reviewing authority shall approve of any such additions.~~

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(4) Any disruptive action which threatens the security of the institution shall result in termination of the visit ~~after~~upon approval ~~of~~by the ~~SS~~shift ~~CC~~commander. Following such ~~(4)~~incidents, each visiting area officer(s) shall submit a written report to the ~~SS~~superintendent before completing his/her tour of duty at that post. All details concerning the reason(s) for termination of

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the visit shall be noted.

- (5) All institutional~~al~~ visiting rules shall be enforced.
- (6) Each ~~SS~~superintendent shall post transportation schedules for all public transportation in a conspicuous location at the entrance or lobby of the institution.

~~(6)~~

483.0~~98~~ Visiting Area Officer

The responsibilities of the visiting area officer shall include, but are not limited to:

- (1) Maintaining safety and security;
- (2) Enforcing the Department~~of Correction~~'s regulation ~~policy~~ and the institution's procedures on visiting;
- (3) Maintaining cleanliness and sanitation in the visiting room;
- (4) Appropriately processing and providing all required information to visitors;
- (5) Supervising the inmates and visitors.

~~(5)~~

483.1~~009~~ Maximum Security/~~Special Visiting Inmate Populations~~~~Special Housing/Special Management~~

Each ~~SS~~superintendent shall develop institutional~~al~~ procedures as required for inmates in maximum security and inmates in a ~~, Special Housing and Special Management~~ units special visiting inmate population under his/her jurisdiction which shall include but not be limited to:

- (1) Designation of an area for visiting~~ing~~;
- (2) Provision for devices, if any, to preclude physical contact, which may be necessary to satisfy security requirements~~ing~~;
- (3) Provisions for special visits ~~from~~ with attorneys, law

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~~(3) students, paralegals, private investigators,~~ and members of the clergy~~;~~

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(4) Special visiting provisions, including advanced scheduling by appointment, where necessary~~;~~

(5) Inmates in maximum security and inmates in a special visiting inmate population ~~Inmates housed in maximum security, special housing and/~~ ~~Special Management Units~~ shall be afforded three (3) visiting periods per week, with at least one (1) period on a weekday evening, and at least one (1) period on the weekend ~~(Unless serving a sanction of loss of visits).~~ At least one (1) visiting period shall be provided on any identified holiday. The Superintendent shall determine ~~The time and duration of visiting periods under this section shall be determined by the Superintendent.~~ Each ~~SS~~superintendent may, upon the approval of the reviewing authority, ~~—limit the number amount~~ of visitors allowed due to the space limitations of the visiting area. ~~The reviewing authority This limit shall approve such limitations.~~ tation must be approved by the reviewing authority.

483.140 Visitor Approval Process

Each ~~SS~~superintendent shall develop institutional procedures to ensure a systematic approach to the requests and approval process of visitors.

It is the Department's policy ~~of the Department of Correction~~ not to restrict visiting to prescribed classes of persons such as

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inmates' relatives or friends, or prior acquaintances. Each inmate shall, however, only be allowed a maximum of ten (10) pre-approved adult visitors, as outlined in 103 CMR 483.10(1). Although minors do not require pre-approval, the guidelines outlined in 103 CMR 483.140 (10) must be met prior to the allowance of minor visitation. —The pre-approved visitors ~~can~~may consist of a combination of immediate family members and/or friends. This list canmay be revised upon an inmate's request ~~changed annually.~~ Requests for changes shall be submitted on the Inmate Visitor Listing available at <http://www.mass.gov/doc/policy>, and at each inmate library, and attached as Attachment 3 to the 103 CMR 483.00 Visiting Procedures—regulation. Requests for changes shall be

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~~(attachment 3)~~ and submitted to the Director of Security for processing.

NOTE: \_\_\_\_\_ If an inmate's immediate family exceeds ten (10) and the inmate only has immediate family on his/her list, then exceptions ~~can~~may be made to exceed ~~this~~ this number, upon the written approval of the ~~SS~~Superintendent.

(1) Authorized Number: An inmate shall be authorized to place up to the following number of approved visitors on the pre-approved visiting list:

<u>Level of Facility</u>	<u>Number</u>
<u>Authorized</u>	
<u>Maximum</u>	<u>5</u>
<u>Medium</u>	<u>8</u>
<u>Minimum/Pre-release</u>	<u>10</u>

~~(1)~~ (2) The following restrictions on who may visit do apply:

~~(a)~~ (a) By statute (M.G.L. c.127, §36), no person except the Governor, a Member of the Governor's Council, a Member of the General Court, a Justice of the Supreme Judicial, Superior or District Court, the Attorney General, a District Attorney, the Commissioner, a Deputy Commissioner of Correction, a Member of the Parole Board, or a Parole or Probation Officer may visit a state correctional institution without the permission of the ~~SS~~Superintendent or the Commissioner.

~~(b)~~ (b) By statute (M.G.L. c. 127, §37) the ~~SS~~Superintendent may refuse admission to a person who has permission to visit if, in the ~~SS~~Superintendent's opinion, such admission would be injurious to the best interests of the institution.

(c) Generally no one may visit an inmate who is temporarily confined in an outside hospital (other than the Lemuel Shattuck Hospital Correctional Unit). Inmates who are medically determined to be in critical

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condition or in imminent danger of death may be allowed to have visits if the ~~SS~~superintendent of the parent institution has provided written authorization.

(d) Except for the officials listed in 103 CMR 483.110(21)(a), ~~—~~and except as provided by 103 CMR 486.00 Attorney Access At Massachusetts Correctional Institutions~~for attorneys~~, persons wishing to visit a correctional institution to provide services to inmates or to examine or report on inmates or conditions must obtain prior permission to visit. Unless a Department regulation (e.g., 103 CMR 486.00: Attorney Access At Massachusetts Correctional Institutions; 103 CMR 131, News Media Relations, 103 CMR 485, Volunteers And Volunteer Programs~~103 CMR 131.00: Media Access; 103 CMR 485.00; Volunteers~~) establishes a particular procedure for obtaining permission, such visitors shall apply to the ~~SS~~superintendent.

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~~(e) Request for tours may be made either to the Superintendent or the Department's Director of Public Affairs. The Superintendent may approve said request and shall inform the Director of Public Affairs of such a tour. No one under the age of eighteen (18) shall be allowed on a tour unless accompanied by a parent or legal guardian. This age limitation does not relate to approved inmate programs.~~

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~~(f)~~(e) Special Visits - Exceptions to the visiting schedule, duration of visits, the number of people allowed to visit at one time, visitors that who have traveled over 100 miles one way and/or other requests, may be considered under special circumstances (e.g., visitors who have traveled over 100 miles one way). Such requests must be submitted in writing to the ~~SS~~superintendent/designee. Special visit approval willshall be documented in writing and a copy willshall be sent to the requesting visitor, the inmate, the visitor processing area and outer control. Consideration for a special visit shall be at the ~~SS~~superintendent's discretion~~of the Superintendent~~.

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~~(g)~~Upon ~~admission~~ commitment to a Department ~~of Correction~~ institution, an inmates ~~willshall~~ be allowed to have two (2) visitors and a reasonable ~~amount~~ number of visiting children pending the visitor

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~~pre-~~approval process. Inmates shall ~~however,~~ submit an ~~Inmate~~ ~~Visitor~~ ~~Listing~~ ~~(attachment 3)~~ application within thirty (30) days of admission to the Department of Correction arrival. However, ~~visitors~~ who are added to any subsequent Inmate Visitor Lists shall ~~will not, however,~~ be allowed to visit until approved ~~pending subsequent revisions to the Inmate Visitor Listing.~~

The two (2) visitors allowed to visit pending the approval process ~~will~~ shall become inactive after forty (40) business days if not properly approved through the application process.

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~~(23)~~ Up to ten (10) blank copies of The Visitation Application (available at <http://www.mass.gov/doc/policy>, and at each inmate library, attached as Attachment 1 to the 103 CMR 483.00 Visiting Procedures ~~regulation~~) ~~(Attachment 1)~~ and a copy of the Inmate Visitor Listing ~~(attachment 3)~~ shall be provided to each inmate at inmate orientation. ~~upon request.~~ ~~They~~ Each form shall also be made available and in each inmate libraryies and on the Department's of Correction Internet site. Prospective visitors shall complete and return the forms with a copy of current photo identification to the institution's ~~DD~~ Director of ~~SS~~ Security ~~Superintendent~~. Where required per 103 CMR 483.143(2) ~~-(b)~~ or 103 CMR 483.13(9), the prospective visitor shall also include medical ~~evidence~~ documentation. Applications shall be approved or denied within a reasonable amount of time.

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~~(34)~~ Prior to submitting the application to the ~~D~~irector of ~~S~~ecurity for final approval/disapproval, institution staff shall ~~A~~ complete criminal history background and Victim Notification Certification (VNC) checks of the potential visitor using the criminal justice information system (CJIS) ~~shall be completed by institutional staff prior to submitting the application to the Director of Security~~ ~~Superintendent/designee~~ for final approval/disapproval. ~~The S~~uperintendent may direct staff to complete subsequent checks ~~Subsequent to the initial background and VNC check, updates will be completed at the discretion of the Superintendent.~~

~~(54)~~ Upon receipt of a ~~V~~isitor ~~a~~ Application, the ~~D~~irector of ~~SS~~ Security ~~Superintendent or designee~~ shall review the application. An improper and/or incomplete application shall be returned to the individual submitting

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the application. The reason for the returned application shall be included as well as the need for re-submittal. After consulting with any necessary staff, the ~~DD~~director of ~~SS~~security ~~Superintendent or designee~~ shall make the final decision. Should the ~~DD~~director of ~~SS~~security have concerns with an application based on a background check, the application ~~will~~shall be submitted to the ~~Dd~~Deputy ~~Ss~~Superintendent for final approval/disapproval.

~~Upon completion of the process, the inmate visitor and inmate shall receive notification as to whether or not his/her visitor is approved within a reasonable period of time.~~

(6) ~~(5)~~ If the ~~Superintendent or designee~~ approves the application~~at~~ is approved or denied~~visitor~~, the visitor's name and status shall be entered on the Inmate's ~~pre-approved V-visitor L~~listing ~~(attachment 3)~~ which ~~will~~shall be maintained at a central location as determined by the ~~SS~~Superintendent. This location shall be accessible to staff processing visits.

~~(6) (7)~~ If disapproved, ~~T~~the prospective visitor and inmate ~~will~~shall be notified in writing of an approval or, in the case of a denial, ~~as to~~ the reason(s) for ~~a~~the denial, through the ~~V~~Visitor ~~S~~Status ~~N~~Notification form (available at <http://www.mass.gov/doc/policy>, and at each inmate library, attached as Attachment 4 to the 103 ~~CMR 4833.00, -Visiting Procedures-regulation~~attachment 4) within a reasonable period of time. The prospective visitor may appeal ~~the a~~ disapproval ~~denial~~ in writing ~~through to~~ the ~~SS~~Superintendent.

(7) Reasons for denial may include, but are not limited to, the following:

(a) The prospective visitor poses a direct threat to the safety, security and/or orderly operation of the institution;

(b) If the prospective visitor is a victim of the inmate or a family member of the victim, the guidelines outlined in 103 CMR 483.10 (10) (f) shall be followed prior to rendering of a final decision;

(c) The prospective visitor is discovered to have a previously disclosed felony conviction or is convicted of a new felony. However, the Superintendent

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has the discretion to approve a visitor based on the severity and date of previous felony convictions;

(d) The prospective visitor has previously introduced illegal contraband into a correctional institution;

(e) The prospective visitor is listed as an approved visitor on another inmate's visitation list within the Department, except where a prospective visitor requests to visit multiple immediate family members who are incarcerated;

(f) The prospective visitor has active felony charges or warrants pending;

(g) The prospective visitor provides false information on the visitation application;

(h) The prospective visitor is currently barred from entering any Department institution;

(i) The prospective visitor has an active restraining order (209A) against the inmate or the inmate has an active restraining order against the prospective visitor;

(j) The prospective visitor has previously assisted an inmate in a violation of institutional rules and regulations (e.g., violations of mail regulations, financial transactions regulations, and/or telephone access regulations, such as facilitating three-way telephone calls).

(8) If an inmate requests to delete a visitor from his/her visitor listing, the Inmate Visitor Listing (attachment 3) will shall be completed and submitted to the Director of Security. A Visitor Status Notification (attachment 4) will shall be completed and a copy forwarded to both the visitor and inmate.

(988) Reasons for denial may include but not limited to:

(a) The person poses a direct threat to the safety, security and/or orderly operation of the institution.

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~~(b) If the person is a victim of the inmate or a family member of the victim, the guidelines outlined in 103 CMR 483.110 (910) (f) shall be followed prior to rendering of a final decision.~~

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~~(c) The person is discovered to have a previously disclosed felony conviction or is convicted of a new felony. However, the Superintendent has the discretion to approve a visitor based on the severity and date of previous felony convictions.~~

~~(d) The person has previously introduced illegal contraband into a correctional institution.~~

~~(e) The person is listed as an approved visitor on another inmate's visitation list within the Department of Correction, except where a visitor requests to visit multiple immediate family members that are incarcerated.~~

~~(f) The person has active felony charges or warrants pending.~~

~~(g) The person provides false information on the visitation application.~~

~~(h) The person is currently barred from entering at any Departmental institution.~~

~~(i) Visits shall be denied if the prospective visitor has an active restraining order (209A) against the inmate or the inmate has an active restraining order against the prospective visitor.~~

~~(j) The person has previously assisted an inmate in a violation of institutional rules and regulations e.g., i.e. violations of mail, and/or financial transactions regulations, and/or telephone access regulations (e.g., facilitating three way telephone calls).~~

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~~(1099)~~ Approval of visitors shall be at the Superintendent or designee's discretion, in accordance with the following guidelines:

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(a) Children under eighteen (18) years of age may visit without being on the inmate's approved visitor

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list, provided they are accompanied by ~~a~~their parent, ~~or~~ legal guardian ~~—~~ having physical custody and who is on the inmate's approved visiting list. ~~Original~~ Originals or copies of birth certificates or of official hospital records verifying the birth of the child, the date of birth of the child, and parent information, are required for children under the age of eighteen (18) years~~;~~

(b) An adult ~~that~~who is not the parent or guardian having physical custody of the minor must submit a completed ~~m~~Minor ~~e~~Consent ~~f~~Form (available at <http://www.mass.gov/doc/policy>, and at each inmate library, attached as Attachment 2 to the 103 CMR 483.00 Visiting Procedures ~~— regulation~~ Attachment 2). The adult shall also ~~— and~~ provide the ~~S~~superintendent copies of the minor's birth certificate or of an official hospital record verifying the birth of the child, the date of birth of the child, and parent information ~~to the institution's Superintendent~~ and obtain the ~~S~~superintendent's approval prior to visiting with the minor. Minor ~~e~~Consent ~~f~~Forms ~~will~~shall not need to be re-submitted upon the inmate's transfer to another ~~facility~~Department institution; ~~—, they shall, however, be updated annually (Attachment 3).~~

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(c) Adults entering with a minor shall have the minor's original or a copy of the minor's birth certificate or of a official hospital record verifying the birth of the child, the date of birth of the child, and parent information, and if the adult is not the parent or guardian, a copy of the approved Minor Consent Form with them each time they visit. An inmate may sign the minor consent form if theyhe/she ~~are — is~~ noted as the parent on the child's birth certificate;

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~~(e).~~

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(d) Members of the clergy, as authorized by the ~~C~~chaplain or ~~S~~superintendent, need not be placed on the Approved Visitors List;

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~~(d)~~

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~~(e)~~ (e) Attorneys, law students, paralegals and/or private investigators need not be placed on the Approved Visitors List; ~~;~~

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~~(f)~~ If the ~~Superintendent or designee approves the applicant prospective~~ visitor ~~has been approved or denied to visit~~, the name shall be entered on the inmate's ~~pre-approved~~ visitor listing. If the ~~applicant prospective~~ visitor is the victim, family member of a victim, or registered to receive notification concerning an inmate currently incarcerated, the Victim Service Unit ~~will~~ shall be informed to provide additional information and guidance on the proper course of action. The ~~Superintendent or designee shall make the final decision when an when a applicant prospective visitor is initially disapproved denied.~~

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~~(11100)~~ The following ~~will~~ shall apply for persons with past criminal felony convictions:

(a) A visitor who is paroled or otherwise released from Department ~~of Correction~~ custody must obtain the permission of the ~~Superintendent~~ before visiting an inmate who is still confined. In order to obtain the ~~Superintendent's~~ permission to visit, anyone on supervised release (parole or probation) must provide documentation on the supervising agency's letterhead recommending him/her to visit if allowed by the Department; ~~;~~

~~(a) of Correction.~~

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~~(b)~~

(b) Inmate family members recently released from a ~~(b) correctional facility~~ may not be considered for visitation approval for six (6) months following release from incarceration; ~~;~~

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~~(b)~~

~~(e)~~ Other visitor applicants with prior incarcerations who are not immediate family members may apply for visitation one (1) year after release from confinement; ~~;~~

(c)

~~(f)~~

(d) The ~~Superintendent~~ or designee may ~~disapprove~~ deny the visitation applications of anyone with felony

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convictions if it is believed that the security of the institution or safety of individuals could be jeopardized.

EXCEPTIONS MAY BE MADE BY THE COMMISSIONER OR A DESIGNEE.

(1211) The following ~~will~~shall also apply to current/former employees, contract staff, interns, and volunteers:

(a) Current or former employees ~~of the Department of the Massachusetts Department of Correction, of contract agencies, and former Department interns, and volunteers~~ shall not be approved to visit an inmate unless they are immediate family members of the inmate ~~or if they left their service to the Department of Correction in good standing. In such cases, the Superintendent shall may grant approval shall be granted by the Superintendent. If further~~ extenuating circumstances exist, a request may be submitted in writing to the ~~SS~~Superintendent ~~);~~.

(b) If the ~~person's prospective visitor's~~ separation from ~~the Massachusetts Department of Correction service~~ was due to a violation of Department ~~of Correction~~ policy or state law, whether or not prosecution occurred, visitation requests shall not be considered for at least a minimal period of one (1) year, depending on the severity of the violation ~~);~~.

(c) ~~Persons Prospective visitors participating or those who have participated as who are or have been~~ volunteers may be considered for visitation approval ~~following a period of one year from the conclusion of the volunteer effort upon written authorization offrom the SS~~Superintendent.

(1322) Visitors may not be placed on more than one (1) inmate's visiting list at the same ~~facility institution~~ or visit an inmate at another institution unless the inmate(s) are immediate family members of the visitor ~~and the relationship can be substantiated.~~

~~(13) Annually throughout the inmate's incarceration he/she shall be given the opportunity to revise his/her visitor listing by the same application and approval system cited~~

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~~above in the month that coincides with the inmate's date of birth. An updated back ground check shall be completed annually of all inmate visitors regardless if an addition or deletion is requested. Applications received seeking approval to visit an inmate, who is not yet eligible for a change to his/her list, shall be returned to the applicant with an explanation/note regarding the eligibility date for resubmission. The Superintendent may consider issues of extenuating circumstances on a case by case basis. In the event of a substantial change in circumstances including but not limited to the birth of the inmate's child, divorce, death in the family or family relocation from out of state, an inmate may apply for a modification to this list prior to the next annual approval period.~~

~~(14)~~ (143) No child who was a victim of the inmate's offense shall be authorized to visit without the authorization of the Commissioner or a designee.

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(154) ~~All~~ copies of ~~the~~ visitor applications shall be maintained in the institutional visitation file, clearly ~~(15)~~marked "approved" or "disapproved" with the signature of ~~the~~ ~~SS~~superintendent/designee in accordance with the Massachusetts State-Wide Record Retention Schedule.

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~~(17)~~ ~~SS~~

~~(16)~~ (16) All applications shall subsequently be transferred as a part of the inmate's institutional record whenever the inmate is assigned to a different institution.

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~~(17)~~ (15) Each institution shall maintain a record of the names of all visitors admitted to the institution to visit inmates. This record ~~will~~shall be maintained on the inmate's visiting ~~card record~~ (Attachment 3) in accordance with the Massachusetts State-Wide Record Retention Schedule.

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~~(18)~~ (176) Notwithstanding this general policy, the ~~SS~~superintendent of the Lemuel Shattuck Hospital Correctional Unit may limit visitsing to include only family members, ~~and attorneys~~legal visits, and others visiting in a professional capacity.

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~~483.12~~483.11 Identification and Sign-In Requirements

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~~The processing of v~~Visitors processing shall begin one half hour before the start of the scheduled visiting period. Deviations of this time frame must be approved by an Assistant

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Deputy Commissioner.

(1) Before being admitted to an institution, a visitor shall be required to produce identification which, in the opinion of the admitting officer(s), is adequate. Acceptable identification for adult visitors shall include a current photographic identification, such as a valid state driver's license, a passport, a military identification card or official photographic identification cards originating from any state or federal agency, including government employee identification cards and Immigration and Customs Enforcement documents. ~~Before~~Prior to denying a visitor ~~is denied~~ visiting privileges, or in ~~questionable~~ cases in which the visitor's regarding appropriate identification is questioned, the admitting officer shall notify the ~~SS~~Shift ~~CC~~Commander ~~shall be notified~~ for final determination. ~~Exceptions may be made by the~~ SSuperintendent or a designee.

(2) The visitor shall be checked for pre-approval against the inmate's visitor listing ~~(attachment 3)~~. If approved, the visitor shall fill out a "r~~R~~equest t~~T~~o v~~V~~isit i~~I~~nmate f~~F~~orm" ~~(Attachment 1)~~.

(3) As a condition of entry, every visitor, except the officials listed in 103 CMR ~~483.11(2)~~483.10(1)a, is required by statute (M.G.L. c. 127, § 36) to make and subscribe a statement under penalties of perjury

stating his/her true name and residence, whether or not he/she has been convicted of a felony and, if visiting an inmate, his/her relationship to the inmate. Each institution shall provide the D~~e~~partmental "request to visit inmate" forms for the purpose of 103 CMR 483-~~00~~.

483.1~~32~~32 Smuggling Prohibited

(1) It is a felony in Massachusetts (M.G.L. c. 268, § 28) for any person to deliver any article to an inmate, procure any article to be delivered to an inmate, possess any article with intent to deliver it to an inmate, or to deposit or conceal any article with intent that an inmate shall obtain it, ~~any article whatsoever to an inmate without the permission of the~~ SSuperintendent or Commissioner ~~(or to procure an article to be delivered, to possess it with intent to deliver it, or to deposit or conceal it with intent that an inmate shall obtain it)~~.

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(2) Upon entering, visitors must disclose to the admitting ~~(2)~~ or searching officer(s) any ~~article~~ ~~article~~ they are carrying on their person except the clothes that they are wearing. Anyone who attempts to carry in or out of the institution any ~~article~~ ~~article~~ without the knowledge of the admitting or searching officer(s) ~~shall~~ ~~may~~ be ~~liable~~ subject to arrest and loss of visiting privileges.

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(3) Each visitor shall be asked by the admitting officer, before entrance into the institution, if he/she has any weapons, cuff keys, medication, cell phones, ~~, , personal digital assistants ("PDAs")~~ ~~any electronic devices~~, pagers or other contraband. All weapons shall be given to the officer prior to entry to the institution. No weapon requiring a license in order to be lawfully possessed shall be returned to the visitor unless the visitor can show proof of license.

~~(4)~~ The provisions of 103 CMR 483.123 (1) and (2) shall be posted at the entrance of the institution.

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(4)

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### 483.143 Searches of Visitors

(1) Each ~~S~~superintendent shall have posted in the lobby or other entrance a large sign ~~in the lobby or other entrance~~ warning which reads ~~that,~~ "ALL VISITORS ARE SUBJECT TO BEING SEARCHED," and containing the same wording in Spanish, "TODAS LAS VISITAS ESTAN SUJETAS A REVISION."

(2) ~~(2)~~ Visitors are allowed to bring in the following item(s) ~~and but~~ must ~~show~~ declare them to the processing officer. Items are to be carried in hand or in a clear plastic bag:

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~~Engagement rings,~~ ~~Wedding~~ rings/band, One (1) religious medallion, and medical alert jewelry ~~;~~

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~~(a)~~

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~~(b)~~ (b) Visitors ~~that~~ who are required to maintain life-saving medication on their person (e.g., nitroglycerine, inhalers, and glucose tablets) shall obtain prior approval from the ~~S~~superintendent to

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visit with such medication. The visitor shall submit to the Superintendent for review written evidence, signed by a ~~medical doctor~~health care professional, ~~r~~ documenting the need for such medication, ~~to the Superintendent for review~~. ~~—~~Once substantiated, the ~~S~~Superintendent shall provide written approval to allow the visitor to enter the institution with the medication. The visitor shall be required to declare this medication and produce the Superintendent's written approval ~~by the Superintendent~~ to the officer in charge of the visitor processing area, ~~r~~ prior to entering the ~~p~~Pedestrian ~~t~~Trap every time ~~they~~he/she visits. If this is the visitor's a first time visit ~~being~~ a Department institution, correctional facility ~~by the visitor~~ the ~~S~~Shift ~~C~~Commander shall be notified for authorization to enter with the necessary medication. This ~~one~~—time approval shall be documented via an incident report and made available to processing staff. The visitor shall be advised that he/she ~~they~~ must obtain the required approval prior to his/her~~their~~ next visit. ~~—~~Visitors who have life-saving medication shall keep it on their person at all times. The ~~o~~fficer shall note on the visiting form all medication upon entry ~~on the visiting form~~ and verify the presence of the same medication upon exit of the visiting room~~;~~

(c) ~~a~~Infants - Two (2) plastic bottles with either formula, milk, water or juice, one (1) empty sippy cup, two (2) infant diapers and infant wipes in a clear plastic bag, one (1) ~~receiving~~ blanket, (1) pacifier, two (2) clear plastic sealed jars of baby food, one (1) plastic spoon and one (1) bib~~;~~

(d) ~~a~~handkerchief~~;~~  
~~(d)~~.

(e) ~~—~~Prescription eyeglasses (no case) and hearing aids.  
~~—~~

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ALL OTHER ITEMS REQUIRE PRIOR APPROVAL.

(3) Upon entering the pedestrian trap/processing area, the visitor must remove all outer garments, belt, shoes, etc., to be searched. The visitor shall also remove all items in his/her pockets. Pockets must be turned inside out. The officer assigned to the area shall inspect all items for contraband.

(4) All visitors ~~will~~shall be searched prior to entering the visiting room by being scanned by the walk through metal detector, hand held wand and/or other similar device, regardless of the institution's security level ~~of the facility~~. If an inmate visitor fails the metal detection search, a personal search shall then be required prior to any entrance. Prior to the personal search, the officer in charge of the visitor processing area must be notified for approval.

(5) In addition to the metal detection search, medium and maximum security ~~facilities~~ institutions shall also require a personal-search-of-the-day in a sequence to be determined by the Shift Commander.

~~(5) In regards to personal searches, the~~ Vvisitors shall be granted the opportunity to leave the institution rather than submit to a personal search unless:

~~(5)~~

(5)a. The employee has those arrest powers granted by the authority of M.G.L. c. 127, § 127 and;

~~(a) b. The employee has those arrest powers granted by the authority of M.G.L. c. 127, § 127; and,~~

~~(b)~~

~~(b)~~ The employee has probable cause to believe that the visitor has committed an arrestable offense; and,

~~(b)~~

~~(e)~~ c. The employee has probable cause to believe that the visitor has physicalseizable evidence concealed on his/her person.

Under these conditions, the shift commander may determine if a personal search shall be conducted incidental to arrest, a personal search incident to arrest may be conducted.

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~~may be conducted.~~

~~(6) In the event that the pedestrian trap or visitor processing officer is not satisfied and or is suspicious that the visitor may be concealing contraband that has not been detected a more extensive search may be requested through the Shift Commander. Before conducting any such search, the officer shall relay to the Shift Commander the reason for suspecting that the visitor may be carrying concealed articles. These searches may take place only with the approval of the Superintendent or his/her designee. If approved the officer shall:~~

~~(a) Ask the visitor seeking admission to submit to a more extensive search, up to and including a strip search, in order to assure the officer that the visitor is not in possession of contraband.~~

~~(b) Any visitor who refuses this search will be told that they are barred for the day.~~

~~(c) An incident report shall be forwarded to the Shift Commander along with a copy of the visiting slip.~~

~~(d) The visitor shall be granted the opportunity to leave the institution rather than submit to search and may leave at any time during the strip search unless:~~

- ~~1. The employee has those arrest powers granted by the authority of M.G.L. c. 127, § 127 and;~~
- ~~2. The employee has probable cause to believe that the visitor has committed an arrestable offense; and~~
- ~~3. The employee has probable cause to believe that the visitor has seizable evidence concealed on his/her person.~~

~~Under these conditions, a personal search incidental to arrest may be conducted. The officers conducting any strip search shall file an incident report concerning the search with the Superintendent prior to the end of the shift. The report shall contain the name of the visitor, the visitor's date of birth, identification number, address, the names of the searching officers and of the official who approved the search, the extent of the search, and what, if anything, was found.~~

~~(e) If the visitor agrees to the search, he/she shall be required to record their consent in writing by signing a log book for that purpose. The searching employee shall enter the date and time of the search and sign the log as well.~~

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~~(7)~~ If during any search contraband is found, the ~~SS~~shift ~~CC~~commander shall be notified immediately for appropriate action. Based on the circumstances and type of contraband found, the ~~Shift~~ ~~CC~~commander may either allow ~~the visit to proceed or bar the visitor from entry into the institution.~~ may at the discretion of the Shift Commander be allowed entry or be barred from the facility.

(7) If the contraband is of a criminal nature (e.g., weapons, drugs), the ~~SS~~shift ~~CC~~commander may, ~~with the Superintendent's approval of the Superintendent:~~

(a) Temporarily detain the visitor(s) until the police arrive and take any further action deemed necessary;  
~~(b)~~ With the approval of the superintendent, ~~c~~contact the state or local police immediately for arrest, transportation, booking and processing; ~~Detain the visitor(s) until the police arrive and formally arrest the visitor.~~

~~(b)~~ Temporarily detain the visitor(s) until the police arrive and take any further action deemed necessary; ~~Contact the state or local police immediately for arrest, transportation, booking and processing.~~

(c) An incident report shall be generated by the processing officer and a copy provided to the ~~arresting~~responding police agency as soon as possible, but before the end of the Officer's shift.

(d) ~~A~~any contraband found by the processing officer on the visitor shall be seized by the officer, bagged and labeled with the officer's name, ~~facility~~institution, identity of the visitor and the date the contraband was seized. The processing officer shall sign a statement verifying the contents and the chain of custody. The evidence and the chain of custody statement shall be given to the ~~arresting~~responding police officer who must sign and date a receipt for the evidence.

(e) If the state or local police do not respond to the facility after a ~~two~~ ~~(2)~~one (1) -hour time period, the detained visitor(s) shall be released and a criminal complaint filed with the court upon approval of the ~~SS~~superintendent.

~~(7)~~(8) Visitors who appear to be under the influence of drugs or alcohol or have the odor of what appears to be alcohol on their breath shall be refused entrance to the

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~~facility~~institution. The ~~S~~shift ~~C~~commander shall be notified immediately. In cases in which it appears a visitor has operated or may operate a motor vehicle~~where there is a question of a visitor being while~~ under the influence of alcohol and/or drugs and ~~they~~he/she ~~is~~ are the operator of a motor vehicle, upon the ~~S~~superintendent's approval, an officer or the shift commander shall contact ~~the~~ state or local police ~~shall be contacted upon approval of the Superintendent~~ prior to the ~~visitor~~m leaving state property. In such an instance, an~~A~~ incident report shall be generated by the processing officer.

~~(8)~~(9) Staff shall use the utmost tact and dignity when dealing with individuals with disabilities. Visitors who utilize medical devices such as an automatic implantable cardioverter/defibrillator and/or pacemaker, wheelchairs, prosthetic devices, insulin pumps, casts, braces, medically necessary shoes, canes, walkers, guide dogs etc., or requiring the use of oxygen tanks, shall obtain ~~the~~ ~~S~~superintendent's prior approval ~~from the Superintendent~~ to visit with such device(s). The visitor shall submit ~~to the~~ ~~S~~superintendent written evidence signed by a ~~medical doctor~~health care professional documenting the need for such device(s) ~~to the Superintendent for review. In circumstances where the medical condition is temporary, the~~ ~~W~~written evidence shall include an anticipated end date for the use of all devices that are necessary for a limited time period (e.g. cane, cast) ~~due to temporary medical conditions~~. Once substantiated, the ~~S~~superintendent shall provide written approval to allow the visitor to enter the institution with the device(s); ~~If applicable, the~~ ~~S~~superintendent shall authorize an alternate search ~~whenever if deemed appropriate due to~~ the visitor ~~is being~~ unable to submit to a metal detection search due to physical limitations or the presence of the device(s). The visitor shall be required to declare the device(s) and produce the written approval by the ~~S~~superintendent ~~every~~ ~~each~~ time ~~they~~he/she visits. If an alternative search is approved, the visitor shall be subject to a personal search every time ~~they~~he/she visits the institution. If this is a first time visit to a correctional facility by the visitor, the ~~S~~shift ~~C~~commander shall be notified for authorization to enter with the necessary device(s) provided the visitor has agreed to a personal search prior to entering. This one~~—~~time approval shall be documented via an incident report and made available to processing staff. The visitor shall be advised that ~~they~~he/she must obtain the required approval prior to ~~their~~his/her next visit. The officer

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shall note all medical devices upon entry on the visiting form and verify upon exit of the visiting room. Additionally, a tool control inventory sheet shall be completed for all oxygen tanks that enter the institution.

(10)

~~(10) All visitors at all facilities will institutions shall be stamped with the stamp of the day on the hand designated by the Shift Commander. At minimum security and pre-release facilities, the Superintendent may determine if hand stamps are necessary.~~

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(a) Employees conducting searches shall do so in a professional and courteous manner.

(a)

(11)

~~(b) Personal searches and strip searches shall be conducted by a correctional employee of the same sex as the visitor. Searches that involve removal of more than external clothing and accessories shall be conducted in private.~~

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(e)

(12)

(e) Papers and documents carried in or out by any judge, attorney, law student, paralegal, the Governor, any legislator or member of the Parole Board may be inspected for concealed articles but shall not be read.

### 483.154 Visitor Conduct and Dress Code

~~(1) Visitors are expected to conduct and dress themselves in a manner that is appropriate for a public place. No visitor may give or exchange any article of clothing or any other items with an inmate during a visit. Any visitor (adults AND children) clad in the following items described in attachment 5 the Visitor Dress Code or any item deemed inappropriate by the admitting officer shall be denied entrance into the facility institution at that time. Children age eight (8) and under shall, however, be allowed to wear the items listed in 103 CMR 483.154 (1) (f), (j), (rRo), or (p), (sq) and 483.15(2) (b). They shall also be allowed to wear shorts, and school uniforms. Prior to any visitor being denied entrance, the Shift Commander shall be notified for approval. A visitor who is denied entrance shall, if he/shethey chooses, be allowed to leave the facility institution, correct their~~

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~~his/her clothing and come back during the same day to visit as defined in 103 CMR 483.165(3), however, repeat violations shall be documented and after the third warning the superintendent may suspend the visitor's visiting privileges can be suspended by the Superintendent:.~~

~~The following items are NOT ALLOWED:.~~

~~(a) Boots worn above the knee (exception - boots below the knee willshall be permitted October 15 - April 15);.~~

~~(b) Work boots will shall never be permitted.;.~~

~~(c) Bare feet;.~~

~~(d) Bathing suits, shorts, any clothing with excessive pockets, metal, drawstrings, excessively baggy or tight clothing, hooded clothing, sheer, excessively revealing or transparent clothing, bodysuits of any type or wrap around shirts. (Children age 8 and younger may wear shorts.);.~~

~~(e) With the exception of undergarments, spandex or spandex type clothing is not allowed.;.~~

~~(f) Any clothing that displays a gang affiliation or is in any way attributable to gang culture; additionally, clothing that is obscene, racist or displays sexual content is not allowed.;.~~

~~(g) Any clothing similar to that issued to an inmate or uniformed personnel, to include nursing scrubs, police, postal and utility (Class A active military uniforms are allowed);.~~

~~(h) Fatigue or camouflage clothing.;.~~

~~(i) Double layered clothing on the bottom half of their person (e.g. two (2) pairs of pants, or skirt and slacks, etc.);.~~

~~(j) Bibbed clothing of any type: shorts, dress, pants, overalls, jumpers etc. (allowable for age 8 and younger);.~~

~~(k) Hair accessories that cannot be easily removed to be searched.;.~~

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~~(l) Bobby pins, barrettes and ribbons;.~~

~~(m) Umbrellas, jackets, coats, vests or outerwear of any type. Exceptions can may be made for those facilities where visitors have to travel outside to get to the visiting area. An area willmay be designated to store/hang these items not accessible to the visitor and inmate during the visit;.~~

~~(n) Male visitors canmay not wear any type of blue or black jeans into an institution facility that housesinccarcerates males. Female visitors canmay not wear any type of blue or black jeans into an institution facility that housesinccarcerates females;.~~

~~(o) Earrings, facial/body jewelry, necklaces, bracelets and watches are not allowed. The only exception regarding jewelry is a traditional engagement ring/wedding band, religious medallion and medical alert jewelry;.~~

~~(p) Dresses, skirts and skirt slits willshall not exceed 2" above the knee when sitting. No wrap-around style skirts are allowed unless worn for religious reasons;.~~

~~(q) Tank tops, halter tops, muscle shirts, or clothing that reveals the midriff or excessively exposes the back. Tube tops of any type are not allowed. Sleeveless clothing is not allowed unless covered by an article of clothing, such as a sweater, that shall not be removed;.~~

~~(r) Sweatshirts, sweatpants, wind pants and exercise clothing (allowable for age 8 and younger);.~~

~~(s) Clothing with zippers that go the full length of the garment with the exception of outerwear (allowable for age 8 and younger);.~~

~~(t) Colored T-shirts are allowed in. T-shirts with offensive logos are not allowed;.~~

~~(u) Leg warmers;.~~

~~(v) Hats and head coverings of any type, unless worn for religious or medical reasons; however they must be searched prior to entering the institution;.~~

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~~(w) No electronic communication devices (e.g. cell phones, PDAs) or those capable of storing information are allowed.~~

**(2) Dress Requirements for all Visitors:**

~~(a) Undergarments must be worn.~~

~~(a)~~

~~(b) Clothing shall not be ripped, torn, have holes or missing buttons.~~

**(3) Exceptions to the Dress Code:**

~~(a) Sweaters may be worn.~~

~~(a)~~

~~(b) Hairpieces (i.e., toupees, wigs, extensions, weaves) may be worn but must be searched. It is the visitor's shall be the responsibility of the visitor to inform the officer that theyhe/she is are wearing a hairpiece during the search processing.~~

~~(b)~~

~~(c) Garments with elastic waists may be worn.~~

483.165 Exclusion of Visitors

(1) Any visitor, even one who has obtained prior permission to visit, may be denied entrance to the institution or ~~required~~ to terminate a visit and leave the premises. M.G.L. c. 266, § 123 makes it a criminal trespass to refuse to leave an institution after being ordered by an officer to do so.

(2) Except as indicated in 103 CMR 483.165 (6), if ~~the~~an officer determines a visit should be denied, barred or terminated, ~~the~~ the ~~shift~~ ~~commander~~ shall be notified for approval. The ~~shift~~ ~~commander~~ shall then make the decision as to whether or not the visit shall be denied, barred or terminated.

(3) Before any attorney is denied, barred or terminated, the ~~superintendent~~ shall be consulted. In accordance with 103 CMR 486, the Commissioner and/or the General Counsel shall ~~be~~

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notified of such action by the institution Superintendent or a designee within twenty-four (24) hours of the incident. Within fifteen (15) business days of any such action, the ~~SS~~superintendent shall take any of the actions listed in 103 CMR 483.165(8). In addition to the right~~s~~ to seek reconsideration or review by the ~~SS~~superintendent, pursuant to 103 CMR 483.165(9), the attorney may immediately appeal any exclusion to the Commissioner.

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~~(3)~~ (4) Before any of the Officials listed in 103 CMR 483.140(~~21~~) (a), is denied, barred or terminated, the ~~SS~~superintendent shall be notified and shall then consult with the ~~appropriate~~ Assistant Deputy Commissioner and, when appropriate, the Director of Legislative Affairs. ~~regarding any the officials listed in 103 CMR 483.11(2), prior to any denial, bar or termination.~~ The ~~SS~~superintendent shall then make the decision as to whether the denial, bar or termination is appropriate. Within fifteen (15) business days of any such action, the ~~SS~~superintendent shall take any of the actions listed 103 CMR 483.165(8). In addition to the right~~s~~ to seek reconsideration or review by the Superintendent, pursuant to 103 CMR 483.165(9), the official may immediately appeal any exclusion to the Commissioner.

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~~(4)~~ (5) A visitor who is denied entrance or asked to leave shall be told the reason for such action, except when it is deemed that to specify the reason might jeopardize security interests or the safety of any person.

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(6) Where the problem is something that clearly ~~can~~may be remedied, the visitor may be told that he/she may return to the institution at some specified time in the near future (such as the next day or the next visiting period) or upon

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~~(6)~~ satisfaction of some stated condition (such as having sufficient identification or being properly dressed.) In cases where this is not appropriate, the visitor shall be told to await notification from the ~~SS~~superintendent before returning to the institution.

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~~(7)~~ (7) Whenever a visitor is denied entrance, is barred, or a visit is terminated, except where such denial or termination is based on a prior order of the ~~SS~~superintendent, or on a failure to obtain prior permission to visit where such permission is required by 103 CMR 483.140, the officer shall file an incident report

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~~7~~ prior to the end of the shift. This report shall include the name of the visitor and the inmate visited, the time of the denial or termination and the reasons therefore. If the visitor has been informed that he/she may return at some specified time in the near future or upon satisfaction of some condition, the report shall so indicate.

(8) The ~~SS~~superintendent or a designee shall promptly review all visitor incident reports and conduct whatever factual investigation he/she deems ~~ed~~ necessary. After such review, and within one (1) week of receipt of the incident report, one of the following shall occur~~the Superintendent shall do one of the following:~~

~~(a)~~ In a case where the visitor has been told that he/she may return to the institution at some specified time or upon the satisfaction of some stated condition, the ~~SS~~superintendent may take no action, thus allowing the resumption of visits to occur~~;~~

~~(b)~~ (a)

~~(b)~~ The ~~SS~~superintendent may notify the visitor that he/she may return to the institution to resume visiting~~;~~

~~(d)~~ (b)

~~(e)~~ The ~~SS~~superintendent may notify the visitor in writing that he/she may resume visiting under specified conditions~~;~~

~~(f)~~ (c)

~~(g)~~ (d) The ~~SS~~superintendent may notify the visitor in writing that visiting privileges are suspended for a specified period of time and that he/she may reapply for admission at the end of the period. The written notice shall contain a statement of the reasons for the Superintendent's action except when, in the opinion of the Superintendent, specifying reasons might jeopardize security interests or the safety of any individual. Based on the severity of the incident, the Superintendent may obtain approval from the Commissioner to suspend the visiting privileges for a specified period up to one (1) year, after which time period the visitor may reapply for admission. Should the Superintendent, with approval from the Commissioner, deny admission for an additional period of up to one (1) year, he/she must state the specific reasons for the continued denial. Any visitor who is barred from visiting due to the introduction of drug contraband or weapons

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~~shall not be eligible to visit a correctional facility again under any circumstances. Based on the severity of the incident the Ssuperintendent canmay obtain approval from the eCommissioner to suspend the visiting privileges for a specified period up to one (1) year. indefinitely. (The written notice shall contain a statement of the reasons for the Ssuperintendent's action except when, in the opinion of the Ssuperintendent, specifying reasons might jeopardize security interests or the safety of any individual. A copy of each such notice shall be sent forthwith to the Commissioner, and a copy shall be given to the inmate.~~

~~(7)~~ (9) Every Ssuperintendent's notice pursuant to 103 CMR

483.165 (8), shall advise the visitor that he/she may seek a

review or reconsideration of the barring, suspension or restrictions by the Ssuperintendent by sending him/her a letter within fifteen (15) business days. The visitor's letter shall include a detailed narrative describing the incident and setting forth the reason the visitor feels the bar, suspension or restriction should be lifted. The visitor may also request a meeting with the Ssuperintendent or a designee.

~~(10)~~ (10) The Ssuperintendent shall review any visitor's letter seeking review or reconsideration of any bar, suspension or restriction still in effect. The Ssuperintendent may take any action he/she deems necessary to resolve questions raised by a visitor's letter including, but not limited to, additional investigation of the facts, consultation with the Commissioner, the Department's Legal Office, or the conducting of an informal meeting or conference. After review, the Ssuperintendent may eliminate, reduce or modify the specific limitations on visiting and shall respond within a reasonable time frame. No person shall be penalized for exercising the rights of appeal provided by 103 CMR 483.00.

~~(11)~~ (9) Once an inmate transfers to a different facilityinstitution, any suspended visitor may apply to the Ssuperintendent of the new institution for permission to visit upon conclusion of the original suspension time frame by submitting a new visitor application. The Ssuperintendent shall ensure that a background check

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pursuant to 103 CMR 483.1~~40~~(4) is completed.

~~(10)~~ (12) Nothing in 103 CMR 483.00 shall ~~in any way impair~~ ~~limit the a~~ SSuperintendent's authority pursuant to M.G.L. c. 127, §37 to exclude a visitor whenever, in ~~his/her the Superintendent's~~ opinion, admitting that person to visit would be injurious to the best interests of the institution, or limit the SSuperintendent's and Commissioner's authority pursuant to M.G.L. c. 127, §36 to deny permission to visit.

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### 483.1~~76~~ Visiting Records

(1) A ~~card record~~ shall be kept and stored in accordance with the Massachusetts State-Wide Record Retention Schedule for every inmate on which shall be recorded the name of every person who visits that inmate and the dates on which those visits occur.

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~~(1) r. This card shall be transferred along with the inmate's institutional file whenever the inmate is transferred. Upon an inmate's release from the Department of Correction, the visiting card shall be forwarded to the Department's Central rRecords departmentUnit so that it may be included in the inmate's institutional record (six-part folder). The transfer of visiting cards willshall cease upon automation of the process.~~

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(2) Each institution shall keep and store in accordance with the Massachusetts State-Wide Record Retention Schedule ~~in a permanent chronological file of~~ all requests to visit inmate forms and all visitor sign-in sheets in a permanent chronological file, ~~for a period of five (5) years.~~

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### 438.1~~87~~ Time Limits

All procedural time limits set forth in 103 CMR 483.00 are directory and may be modified by the SSuperintendent or Commissioner.

### 483.1~~98~~ Emergencies

Whenever in the opinion of the Commissioner, Deputy Commissioner or the SSuperintendent of a state

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correctional institution, an emergency exists which requires suspension of all or part of 103 CMR 483.~~00~~, the ~~S~~superintendent may order such suspension except that any such suspension lasting beyond forty-eight (48) hours may be authorized by the Commissioner.

### 483.~~20~~19 Responsible Staff

The ~~S~~superintendent of each institution shall ~~be responsible for implementing~~ and monitoring 103 CMR 483.~~00~~ within his/her respective institution.

### 483.2~~10~~ Annual Review

—103 CMR 483.~~00~~ shall be reviewed at least annually by the Commissioner or a designee. The party or parties conducting the review shall develop a memorandum to the Commissioner with a copy to the ~~e~~Central ~~p~~Policy ~~f~~File indicating that the review has been completed. Recommendations for revisions, additions or deletions shall be included for the Commissioner's written approval and shall become effective pursuant to applicable law.

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### 483.2~~1~~ Severability

If any article, section, subsection, sentence, clause or phrase of 103 CMR 483.~~00~~ is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 103 CMR 483.~~00~~

### REGULATORY AUTHORITY

103 CMR 486.~~00~~: M.G.L. c. 124, §1 (b), (c), & (q) and M.G.L. c. 127, §§ 36 & 37 and M.G.L. c. 268, § 31.

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ATTACHMENT 1

~~103 CMR: Department of Correction 483~~  
**Massachusetts Department of Correction**  
**Visitation Application**

Institution: \_\_\_\_\_ Address: \_\_\_\_\_

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Inmate's Name: \_\_\_\_\_ Inmate's Number: \_\_\_\_\_

**Read Carefully:** All questions must be answered. Any omissions or falsifications will be considered sufficient disapproval for visitation. Please provide a current photograph with the application or it will not be processed. Return this form to the Superintendent of the above noted institution.

Name: \_\_\_\_\_  
Last First Middle

Address: \_\_\_\_\_  
Street City State Zip Code

Telephone Number: \_\_\_\_\_ Sex: Male: ☐ Female: ☐

Date of Birth: \_\_\_\_\_ ID/Driver's License Information: \_\_\_\_\_  
State Number

Relationship to Inmate: \_\_\_\_\_  
(i.e. Wife, Son, Daughter, etc.)

Are you currently on the visiting list of an inmate confined in the Massachusetts Department of Correction?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, what is his/her name: \_\_\_\_\_ Number: \_\_\_\_\_ Relationship: \_\_\_\_\_

Have you ever been convicted of a felony? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, a Felony Application form must be requested and filled out.

Are you now or have you ever been an employee, contractor, intern or volunteer of the Massachusetts Department of Correction or any County Correctional facility? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, when and where \_\_\_\_\_  
\_\_\_\_\_

Are you the victim or have you ever been the victim, family member of a victim or registered with the Criminal History Systems Board to receive notifications concerning the offender you are requesting to visit or any inmate currently in custody? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, who and when \_\_\_\_\_

Do you currently have an active restraining order in force against this inmate? Yes \_\_\_\_\_ No \_\_\_\_\_

Does the inmate currently have an active restraining order in force against you? Yes \_\_\_\_\_ No \_\_\_\_\_

Note: If you are required to keep life saving medication (nitroglycerine, inhalers, and glucose tabs) on your person or currently have a medical condition that requires you to enter with a medical device or that prevents a metal detector search, please submit your medical documentation with this Visitation Application.

Your Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

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\_\_\_\_\_  
Superintendent/Designee \_\_\_\_\_ Date\_\_\_\_\_  
ATTACHMENT 2**~~103 CMR: Department of Correction 483~~  
Massachusetts Department of Correction  
Minor Consent Form**

Institution: \_\_\_\_\_ Address: \_\_\_\_\_

Inmate's Name: \_\_\_\_\_ Inmate's Number: \_\_\_\_\_

This form must be completed by the parent/legal guardian having physical custody and properly notarized by notary public for minor children (under 18) to visit an inmate when the custodial parent/legal guardian having physical custody is unable, or unwilling to visit and accompany the minor child. The child may visit only with the authorized person named below, who is over 18 years of age and who must also be on the approved visitation list of the inmate they wish to see. Permission is granted for the child to be searched.

(Forward this form and copies of minor(s) birth certificates to the institution Superintendent listed above).

Minor(s) Name(s)	Date of Birth	Relationship of Child to Inmate

Approved Escort/Guardian	Guardian's Date of Birth

Have any of the minor children listed ever been a victim of this patient/inmate? Yes: \_\_\_\_\_ No: \_\_\_\_\_

If yes, please explain: (include the child's name and nature of the offense): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_\_\_\_\_\_  
Signature of Custodial Parent/Legal Guardian Having Physical Custody \_\_\_\_\_ Date**Statement of Notary Public**

Subscribed to and sworn before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Notary Public commission expires on: \_\_\_\_\_

Approved: \_\_\_\_\_  
\_\_\_\_\_  
Superintendent/Designee \_\_\_\_\_ Date\_\_\_\_\_  
ATTACHMENT 3~~103 CMR: Department of Correction 483~~

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~~Massachusetts Department of Correction~~  
~~Approved Inmate Visitor Listing~~

Institution: \_\_\_\_\_

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Inmate Name: \_\_\_\_\_ Number: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Listed below are those individuals you would like to allow visitation privileges while you are incarcerated. Please note these individuals shall not be allowed to visit you until such time their visitation application has been received and approved. Additions/deletions to the approved list shall be made no more than once every six months. Please list adults that are your immediate family members, friends and or acquaintances. Children need not be listed, however, they must be accompanied by a parent/legal guardian having physical custody or escorted by an adult accompanied with an approved minor consent form. Attorneys need not be listed.

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Inmate Signature: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

~~Attachment 4~~

~~103-CMR: Department of Correction 483~~  
~~Massachusetts Department of Correction~~  
~~Visitor Status Notification~~

Date \_\_\_\_\_

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103 CMR 483: DEPARTMENT OF CORRECTION

483

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Visitor Name  
Address

Dear

Please be advised that your request to visit  
Inmate \_\_\_\_\_

has been: APPROVED DENIED.

The denial is based on: \_\_\_\_\_

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\_\_\_\_\_  
An appeal of this decision may be submitted to the Superintendent

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\*\*\*\*\*  
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Inmate \_\_\_\_\_ has requested to remove  
your  
name from his/her Inmate Visitor Listing. You are therefore no longer approved to visit.

Thank you for your attention and cooperation in this matter.

Sincerely,

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Director of Security \_\_\_\_\_

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cc: Inmate \_\_\_\_\_

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103 CMR: Department of Correction 483

ATTACHMENT 5

Massachusetts Department of Correction

Visitor Dress Code

. Children age eight (8) and under shall, however, be allowed  
to wear the items listed in 103 CMR 483.14 (j), (r), or (s).  
They shall also be allowed to wear shorts. Prior to any visitor

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103 CMR 483: DEPARTMENT OF CORRECTION

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~~being denied entrance, the Shift Commander shall be notified for approval. A visitor who is denied entrance shall, if he/she chooses, be allowed to leave the institution, correct his/her clothing and come back during the same day to visit as defined in 103 CMR 483.15(3), however, repeat violations shall be documented and after the third warning the superintendent may suspend the visitor's visiting privileges.~~

~~The following items are NOT ALLOWED:~~

~~(a) Boots worn above the knee (exception — boots below the knee shall be permitted October 15 — April 15);~~

~~(b) Work boots shall never be permitted;~~

~~(c) Bare feet;~~

~~(d) Bathing suits, shorts, any clothing with excessive pockets, metal, drawstrings, excessively baggy or tight clothing, hooded clothing, sheer, excessively revealing or transparent clothing, bodysuits of any type or wrap around shirts. (Children age 8 and younger may wear shorts.);~~

~~(e) With the exception of undergarments, spandex or spandex type clothing is not allowed;~~

~~(f) Any clothing that displays a gang affiliation or is in any way attributable to gang culture; additionally, clothing that is obscene, racist or displays sexual content is not allowed;~~

~~(g) Any clothing similar to that issued to an inmate or uniformed personnel, to include nursing scrubs, police, postal and utility (Class A active military uniforms are allowed);~~

~~(h) Fatigue or camouflage clothing;~~

~~(i) Double layered clothing on the bottom half of the person (e.g. two (2) pairs of pants, or skirt and slacks);~~

~~(j) Bibbed clothing of any type: shorts, dress, pants, overalls, jumpers etc. (allowable for age 8 and younger);~~

~~(k) Hair accessories that cannot be easily removed to be searched;~~

~~(l) Bobby pins, barrettes and ribbons;~~

~~(m) Umbrellas, jackets, coats, vests or outerwear of any type. Exceptions may be made for those facilities where visitors have to travel outside to get to the visiting area. An area may be designated to store/hang these items not accessible to the visitor and inmate during the visit;~~

~~(n) Male visitors may not wear any type of blue or black jeans into an institution that incarcerates males. Female visitors may not wear any type of blue or black jeans into an institution that incarcerates females;~~

~~(o) Earrings, facial/body jewelry, necklaces, bracelets and watches are not allowed. The only exception regarding jewelry is a traditional engagement ring/wedding band, religious medallion and medical alert jewelry;~~

~~(p) Dresses, skirts and skirt slits shall not exceed 2" above~~

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~~the knee when sitting. No wrap-around style skirts are allowed unless worn for religious reasons;~~

~~(g) Tank tops, halter tops, muscle shirts, or clothing that reveals the midriff or excessively exposes the back. Tube tops of any type are not allowed. Sleeveless clothing is not allowed unless covered by an article of clothing, such as a sweater, that shall not be removed;~~

~~(r) Sweatshirts, sweatpants, wind pants and exercise clothing (allowable for age 8 and younger);~~

~~(s) Clothing with zippers that go the full length of the garment with the exception of outerwear (allowable for age 8 and younger);~~

~~(t) Colored T-shirts are allowed. T-shirts with offensive logos are not allowed;~~

~~(u) Leg warmers;~~

~~(v) Hats and head coverings of any type, unless worn for religious or medical reasons; however they must be searched prior to entering the institution;~~

~~(w) No electronic communication devices (e.g. cell phones, electronic devices) or those capable of storing information are allowed.~~

## **(2) Dress Requirements for all Visitors:**

~~Undergarments must be worn;~~

~~Clothing shall not be ripped, torn, have holes or missing buttons.~~

## **(3) Exceptions to the Dress Code:**

~~Sweaters may be worn;~~

~~Hairpieces (i.e., toupees, wigs, extensions, weaves) may be worn but must be searched. It is the visitor's responsibility to inform the officer that he/she is wearing a hairpiece during the search processing;~~

~~Garments with elastic waists may be worn.~~

~~Jackets or blazers may be worn as part of a suit or outfit by students participating in a clinical/internship program.~~

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